

# FIRST PRESBYTERIAN CHURCH FULTON, MISSOURI

Policy Number: **06-01**

Title: **Sexual Misconduct Policy**

Effective Date: **May 21, 2013**

## I. Biblical References

“As God who called you is holy,  
be holy yourselves in all your conduct.

*1 Peter: 1:15*

Tend the flock of God that is in your charge,  
not under compulsion but willingly,  
not for sordid gain but eagerly,  
not lord it over those in your charge,  
but be examples to the flock.

*1 Peter 5:2-3*

You know that we who teach  
shall be judged by greater strictness

*James 3:1*

## II. STATEMENT OF PURPOSE:

A. The purpose of this policy is to communicate the position of the church with regard to sexual misconduct and to establish procedures to be followed when responding to and investigating instances where sexual misconduct is alleged to have occurred. This policy is intended to:

1. safeguard the church's members and staff from sexual misconduct as well as from false accusations.
2. seek justice by assuring effectiveness of the church's and Presbytery's administrative, investigative, and judicial processes in determining truth, protecting the innocent, and dealing appropriately with those who are found guilty of sexual misconduct.
3. promote healing of all persons and the congregation.

B. No provision of this policy will be construed as limiting any rights, which may have been granted, or any responsibilities imposed upon anyone by the polity of the Church or the law of the state.

### III. Expectations

A. The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because, through these representatives, an understanding of God and the gospel's good news is conveyed. "Their manner of life should be a demonstration of the Christian gospel in the church and in the world." (Book of Order, G-60106a)

B. Ministers of Word and Sacrament, Commissioned Lay Pastors, Elders, Christian Educators, and all who serve in the staff, structures, and programs of the church will:

1. immediately report accusations or instances of sexual misconduct to the Clerk of Session or, if the Clerk is not available, to the Administration Committee Moderator who will report it to the Executive Director of the Presbytery and law enforcement officials..
2. exercise responsible sexual behavior and maintain the integrity of employment and professional relationships at all times.
3. not engage in sexual misconduct as defined in this policy.
4. deal with allegations of sexual misconduct with seriousness.
5. hold information received in strict confidence in recognition of the effects of reported sexual misconduct on the reputation and effectiveness of all involved.
6. in keeping with the Rules of Discipline, American law and tradition, respect the accused person's presumption of innocence.
7. comply with all applicable criminal law.

### IV. BASIC PRINCIPLES OF CONDUCT:

A. Sexual misconduct is a violation of the role of pastors, employees, volunteers, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. Sexual misconduct breaks the covenant to act in the best interest of parishioners, clients, co-workers, and students.

B. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship to gain advantage over another, for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, or other person initiates or invites sexual content in the relationship, it is the responsibility of the pastor, elder, and supervisor to maintain the appropriate role and refrain from all involvement in a sexual relationship.

C. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. Sexual misconduct violates the mandate to protect the vulnerable from harm.

## V. SEXUAL MISCONDUCT DEFINED

Sexual Misconduct is the comprehensive term used in this policy to include:

A. Child sexual abuse, which includes, but is not limited to:

1. any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching.
2. Sexual behavior between a child and an adult is always considered forced whether or not consent is granted by the child. Subjecting another person who is under the age of seventeen years of age to sexual contact is child molestation (566.068 RSMo.).

B. Sexual abuse, which is any offense involving sexual conduct in relation to any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position (Book of Order, D-10.0401c, p 192).

C. Sexual harassment, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution

2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment; or
4. An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.

D. Rape: sexual contact by force, threat, or intimidation.

E. Sexual Malfeasance: the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.

F. Misuse of technology: use of technology that result in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When the incident includes shared viewing of the pornography by a person under the age of 18, the act could be considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by the church or church entity or within the context of ministry.

## VI. ALLEGATION RESPONSE:

A. Allegations of sexual misconduct are always considered allegations of offense against Scripture or the PC(USA) Constitution that trigger the disciplinary processes of the PC(USA) set forth in the Book of Order.

B. Because a governing body cannot control to whom an accuser of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to congregations and their communities understand how reports of incidents (allegations) are channeled to the right person.

C. Allegations of sexual misconduct should never be taken lightly or disregarded. Nor should they be allowed to circulate without concern for the integrity and reputation of the accuser, the accused, and of the Church. Allegations should be dealt with as matters of highest priority and confidentiality

D. Reporting Procedures and Responsibilities:

1. The first person to learn of a sexual misconduct allegation will not undertake an inquiry or question either the accused or the accuser. The person who received the initial report will ask the accuser to report the incident to local law enforcement and the Clerk of the Session.
2. The Clerk will ensure law enforcement has been notified and will also notify the moderator of the Administration committee and the General Presbyter. If the Clerk is unavailable the incident must be reported to the moderator of the Administration committee who will follow the same reporting procedure.
3. If the accuser is unwilling to report to law enforcement and/or the Clerk, the person who received the initial report will make the report to the Clerk, who will in turn alert law enforcement, the moderator of the Administration committee, and the General Presbyter. Under these circumstances, the accuser and reporter should understand that this reporting method is considered second hand information and will be processed differently than an accuser's first hand information.

VII. SESSION RESPONSE:

A. If the allegations involve a church employee, other than the pastor, the moderator of the Administration Committee will immediately put the employee on Administrative leave with pay until the matter is reviewed by the administration committee and further action (termination, reinstatement, or continued administrative leave with or without pay) is authorized by the Session. Information regarding allegations will be confidential and will not be discussed outside closed Session or Administrative Committee meetings. Should the incident result in criminal conviction, the employee will be automatically terminated. If the employee is acquitted, the case is nolle prosequi, or otherwise not pursued by legal authorities, the person's employment status will be reviewed by the administration committee. Based on a recommendation by the Administration Committee, the Session will determine the person's continued employment status with the church.

B. According to the Book of Order, section G-2.091, “An installed pastoral relationship may be dissolved only by the presbytery.” If allegations of sexual misconduct are alleged against the pastor or other ordained staff, the Moderator of the Administrative Committee will immediately contact the Clerk of the Session, and the Executive Presbyter to communicate factual information about the allegations. If the misconduct is determined to be a criminal violation, the matter will be immediately referred to appropriate criminal justice authorities. Should circumstances indicate the pastoral relationship should be dissolved, the Presbytery may dissolve the pastoral relationship if, after consultation with the minister, the session, and the congregation, it finds the church’s mission under the Word imperatively demands it (Book of Order G-2.0904). In other circumstances, the session may call a congregational meeting, have the presbytery appoint a moderator, and determine if circumstances warrant dissolution of the pastoral relationship. The Presbytery will take further action on the matter according to the Book of Order G-2.0903.

C. If allegations of sexual misconduct involve a ruling elder, the Clerk of Session will immediately contact the accused elder to inform him/her that their status on the session is suspended until criminal justice authorities and/or the Presbytery have determined the outcome of the allegations. The Clerk will notify the other Session members, at the next scheduled Session meeting, that the elder has been put on a leave of absence from Session. The allegations will not be discussed by the Session until the civil authorities have made a decision regarding the outcome of the allegations. If the elder is charged with sexual misconduct by the civil authorities the elder will immediately be removed from the Session. The session will determine if there should be any additional responses to the sexual misconduct.

#### VIII. JURISDICTION:

A. The Presbytery is the court of original jurisdiction only for Ministers of the Word and Sacrament, Certified Christian Educators, and Commissioned Lay Pastors. These individuals fall under the Rules of Discipline of the Book of Order.

B. Allegations against a lay employee of the church will be reported to the Clerk of the Session. If the Clerk is not available, then it should be reported to the Moderator of the Administration Committee. The Clerk will notify the Moderator of the Administration committee of an allegation.

C. Allegations of sexual misconduct against a member of the church will be reported to the Clerk of the Session and the Clerk will notify the Moderator of the Administration Committee. If the Clerk is unavailable, the report will be made to the moderator of the Administration committee.

IX. LIABILITY AND INSURANCE:

A. The Book of Order (G3.0112m p. 47) provides that each council shall obtain property and liability insurance coverage to protect its facilities, programs, staff, and elected and appointed officers.

B. The Administration Committee will annually review the property and liability insurance policy to determine adequate coverage is present to comply with the requirements stated in the Book of Order.

Approved by the Session

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Date

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Ramona Dobson, Clerk of Session